

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.9999 OF 2007

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DATED: 04-06-2007

BETWEEN

Fishermen Co-operative Society,
Chilkapuram, Rep. by its President
Sri K. Kotesham, S/o. K. Somalingam,
Occ: Fisherman, R/o. Chilkapuram (V),
Anumla (Mandal), Nalgonda District.

...PETITIONER

AND

The Superintendent of Police,
Nalgonda District, Nalgonda
and others.

...RESPONDENTS

ORDER:

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Petitioner-society seeks a Writ of Mandamus to declare the action of the respondents in not according police protection to its members to conduct the fishing operation in the tank of Ramasamudram Cheruvu of Chilkapuram Village, Anumula Mandal, Nalgonda District as illegal and arbitrary and to direct the respondents to accord police protection to its members.

2. It is the case of the petitioner-society that it is the lessee to catch the fish in the aforesaid tank for the lease year 2006 – 2007 on a lease amount of Rs.36,443/- and the lease amount was already paid on 01.05.2007 and accordingly an order to catch fish was obtained.

It is stated that though it has made a representation dated 05.05.2007 seeking police protection, no protection has been provided.

3. Counter has been filed stating that pursuant to the representation of the petitioner-society dated 13.05.2007 seeking police protection; necessary

protection has been given by deputing one Head Constable, two constables and two Home Guards.

It is further stated that the Sub-Inspector of Police, Halia Police Station, Nalgonda District himself proceeded to the spot for conducting the fishing operation.

4. Learned counsel for the petitioner-society submits that, in fact, as sufficient security was not provided, a large number of people from the said village illegally entered into the tank and looted the fish.

5. If that be so, I am of the opinion that the petitioner-society is not helpless as it could have made a complaint and got a case registered and if the said complaint was not registered, it could have as well approached the concerned Magistrate. However, in view of the specific averment made in the counter that necessary police protection has been given for catching the fish and as the fishing season is already over, I am of the opinion that no further orders need be passed in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

V. ESWARAIAH, J

June 4, 2007
DSK